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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,216	01/02/2004	Keneth K. Cyr	CRNI.111421	6648

46169 7590 09/06/2007

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EXAMINER	
SEREBOFF, NEAL	

ART UNIT	PAPER NUMBER
3626	

MAIL DATE	DELIVERY MODE
09/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/750,216	CYR ET AL.	
	Examiner	Art Unit	
	Neal R. Sereboff	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5,7-15 and 17-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-15 and 17-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. In the amendment filed 7/9/2007, the following has occurred: Claims 6 and 16 have been canceled; Claims 1, 7, 11, 17 and 21 – 27 have been amended. Claims 1 – 5, 7 – 15 and 17 – 27 are pending.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1 – 5, 7 – 15, and 17 – 27** are rejected under 35 U.S.C. 102(b) as being anticipated by DeBusk et al., U.S. Patent Number 5,991,728.

4. As per claim 1, DeBusk teaches a system for managing patient supply data, comprising:

- An input interface to receive patient supply data captured from at least one clinically related site (figure 1, step 3);
- A data store, the data store storing the patient supply data (figure 1, step 4); and
- A report engine, the report engine communicating with the data store to generate consumption reports based upon at least individual patient information, (figure 1, step 5)
    - The consumption reports comprising a bill of resources used and/or consumed during a clinical event (figure 1, step 6).

5. As per claim 2, DeBusk teaches the system of claim 1 as described above. DeBusk further teaches the system wherein the patient supply data comprises at least one of surgical

device information, pharmaceutical information, and consumable material information (column 11, lines 16 – 30 where the system includes surgical data).

6. As per claim 3, DeBusk teaches the system of claim 1 as described above. DeBusk further teaches the system wherein the clinically related site comprises at least one of a hospital facility, a research facility and a government facility (column 10, line 65 through column 12, line 15 where the clinically related site is a hospital).

7. As per claim 4, DeBusk teaches the system of claim 1 as described above. DeBusk further teaches the system wherein the data store comprises a patient supply record (column 10, line 65 through column 12, line 15 where the usage is per a procedure).

8. As per claim 5, DeBusk teaches the system of claim 1 as described above. DeBusk further teaches the system wherein the report engine comprises a structured query language engine (column 22, Query Procedure section).

9. As per claim 7, DeBusk teaches the system of claim 1 as described above. DeBusk further teaches the system wherein the consumption reports additionally comprise aggregate patient supply data rolled up from a plurality of individual patient information records (column 22, line 40 – 51 where historical data comprises multiple previous procedures).

10. As per claim 8, DeBusk teaches the system of claim 1 as described above. DeBusk further teaches the system wherein the data store comprises an output interface (column 19, line 53 – 63), the output interface communicating the patient supply data to other analytical engines (column 13, lines 14 – 34 where the database is an standard format and column 19, line 17 – 29 where the information can be outputting to a ordering engine).

11. As per claim 9, DeBusk teaches the system of claim 8 as described above. DeBusk further teaches the system wherein the other analytical engines comprise at least one of a billing engine, a vendor engine and an ordering engine (column 20, line 22 – 34 where the other engine is a billing engine or column 19, line 17 – 29 for ordering as noted in DeBusk claim 10).

12. As per claim 10, DeBusk teaches the system of claim 1 as described above. DeBusk further teaches the system wherein the patient supply data is captured at the clinically related site in at least substantially real time (column 16, line 18 – 27).

13. As per claim 11, DeBusk teaches a method for managing patient supply data, comprising:

- Receiving patient supply data captured from at least one clinically related site (figure 1, step 3);
- Storing the patient supply data to a data store (figure 1, step 4);
- Generating consumption reports based upon at least individual patient information (figure 1, step 5),
    - The consumption reports comprising a bill of resources used and/or consumed during a clinical event (figure 1, step 6); and
- Storing the aggregated patient supply data (figure 1, step 9).

14. As per claim 12, DeBusk teaches the method of claim 11 as described above. DeBusk further teaches the method wherein the patient supply data comprises at least one of surgical device information, pharmaceutical information, and consumable material information (column 11, lines 16 – 30 where the system includes surgical data).

15. As per claim 13, DeBusk teaches the method of claim 11 as described above. DeBusk further teaches the method wherein the clinically related site comprises at least one of a hospital

facility, a research facility and a government facility (column 10, line 65 through column 12, line 15 where the clinically related site is a hospital).

16. As per claim 14, DeBusk teaches the method of claim 11 as described above. DeBusk further teaches the method wherein the data store comprises a patient supply record (column 10, line 65 through column 12, line 15 where the usage is per a procedure).

17. As per claim 15, DeBusk teaches the method of claim 11 as described above. DeBusk further teaches the method wherein the consumption reports are generated via a structured query language engine (column 22, Query Procedure section).

18. As per claim 17, DeBusk teaches the method of claim 11 as described above. DeBusk further teaches the method wherein the consumption reports additionally comprise aggregate patient supply data rolled up from a plurality of individual patient information records (column 22, line 40 – 51 where historical data comprises multiple previous procedures).

19. As per claim 18, DeBusk teaches the method of claim 11 as described above. DeBusk further teaches the method further comprising a step of communicating the patient supply data to other analytical engines (column 13, lines 14 – 34 where the database is an standard format and column 19, line 17 – 29 where the information can be outputting to a ordering engine).

20. As per claim 19, DeBusk teaches the method of claim 18 as described above. DeBusk further teaches the method wherein the other analytical engines comprise at least one of a billing engine, a vendor engine and an ordering engine (column 20, line 22 – 34 where the other engine is a billing engine or column 19, line 17 – 29 for ordering as noted in DeBusk claim 10).

21. As per claim 20, DeBusk teaches the method of claim 11 as described above. DeBusk further teaches the method wherein the patient supply data is captured at the clinically related site in at least substantially real time (column 16, line 18 – 27).

22. As per claim 21, DeBusk teaches one or more computer-readable media having computer-executable instructions embodied thereon for performing a method for generating a patient supply record, the method comprising:

- Capturing patient supply data from a plurality of departments during a patient encounter (figure 1, step 5),
    - The patient supply data comprising items used and/or consumed during a clinical event (figure 1, step 6);
- Associating the patient supply data with at least corresponding individual patient records (figure 1, step 3); and
- Storing the patient supply data to a data store (figure 1, step 4).

23. As per claim 22, DeBusk teaches the one or more computer-readable media according to claim 21 as described above. DeBusk further teaches the one or more computer-readable media wherein the patient supply data comprises at least one of surgical device information, pharmaceutical information, and consumable material information (column 11, lines 16 – 30 where the system includes surgical data).

24. As per claim 23, DeBusk teaches the one or more computer-readable media according to claim 21 as described above. DeBusk further teaches the one or more computer-readable media wherein the departments comprise at least two of a surgery, pharmacy, radiology, laboratory and

emergency department (column 1, lines 35 – 67 where the departments include surgery, radiology and pharmacy).

25. As per claim 24, DeBusk teaches the one or more computer-readable media according to claim 21 as described above. DeBusk further teaches the one or more computer-readable media wherein the patient supply data is analyzed via a report engine to generate consumption reports (column 17, lines 35 – 52).

26. As per claim 25, DeBusk teaches the one or more computer-readable media according to claim 24 as described above. DeBusk further teaches the one or more computer-readable media wherein the consumption reports comprise a bill of resources used and/or consumed during the course of clinical treatment (column 19, lines 30 – 53).

27. As per claim 26, DeBusk teaches the one or more computer-readable media according to claim 24 as described above. DeBusk further teaches the one or more computer-readable media wherein the consumption reports comprise aggregate patient supply data rolled up from a plurality of individual patient information records (column 22, line 40 – 51 where historical data comprises multiple previous procedures).

28. As per claim 27, DeBusk teaches the one or more computer-readable media according to claim 21 as described above. DeBusk further teaches the one or more computer-readable media wherein the method further comprises communicating the patient supply data to at least one of a billing engine, a vendor engine and an ordering engine (column 20, line 22 – 34 where the other engine is a billing engine or column 19, line 17 – 29 for ordering as noted in DeBusk claim 10).

Response to Arguments

29. Applicant's arguments with respect to claims 1 – 5, 7 – 15 and 17 – 27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

30. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neal R. Sereboff whose telephone number is (571) 270-1373. The examiner can normally be reached on Mon thru Thur from 7:30am to 5pm, with 1st Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571) 272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/NRS/
8/30/2007

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